



MEMORANDUM

To: PLANNING COMMISSION

Date: June 13, 2006

From: COMMUNITY DEVELOPMENT DEPARTMENT

**Subject: CONDITIONAL USE PERMIT AMENDMENT APPLICATION,
UPA-80-07: Peak- St. John the Divine**

REQUEST

The applicant is requesting approval of an amendment to a Conditional Use Permit to allow a 1,688 sq. ft. expansion to the existing church building and the construction of a 706 sq. ft. building for a new nursery building located in a R-1, 7,000 (Single Family Medium Density) zoning district at 17740 Peak Avenue (APN: 764-18-017).

RECOMMENDATION

Environmental Assessment: This action is categorically exempt from further environmental assessment under Section 15332 for In-Fill Development Projects California Environmental Quality Act.

Use Permit UPA-80-07: Adopt Resolution approving the Use Permit Amendment

Processing Deadline: November 5, 2006

SITE DESCRIPTION

Location: 17740 Peak Avenue
Site Area: 2.01 Acres
Zoning: R-1 7,000 Single Family Medium Density Residential
General Plan: Single Family Medium

CASE ANALYSIS

The applicant is requesting to amend the conditional use permit to allow proposed addition to the church and nursery. The facility is used for regular and seasonal religious services, educational and day care programs, social gatherings and limited administrative activities. The primary hours of the use would be Sunday services in the morning with activities to the early afternoon. The weekday nursery day care is run between the hours of 8:30am to 3:30pm, with some church administrative activities. More details of the activities are in the attached Statement of Operations.

USE PERMIT FINDINGS

The required findings for a Conditional Use Permit are contained in Section 18.54.050(B) of the Municipal Code and read as follows:

- A. The site is suitable and adequate for the proposed use.**
- B. The proposed use and design would not have a substantial adverse effect on traffic circulation and on the planned capacity of the street system.**
- C. The proposed use at the location will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, or impair the utility or value of property of other persons located in the vicinity of the site, or be detrimental to public health, safety or general welfare.**
- D. The design of the project is compatible with existing and proposed development within the district and its surroundings.**

Site Suitability:

The site is developed with a 3,446 square foot church as well as a 706 square foot nursery. The 1,688 sq. ft addition to the church will be for a parish hall, while they reconfigure some of the existing entrances and side halls in the main building into offices. The 706 sq. ft proposed nursery would consist of two classrooms for the Sunday school and nursery as well as a new kitchen and bathrooms. The current nursery can hold 14 students. With the proposed addition it could potentially add an additional 14 more students bringing the total to 28 students. In the previous conditional use permit the nursery was approved for weekday daycare.

The site has a total of 52 parking spaces. The existing church and nursery requires 27 parking spaces. The proposed additions would require an additional 13 parking spaces bring it to a total of 40 parking spaces. This still leaves an available excess of 12 parking spaces. The available parking on site will be adequate for the proposed additions.

Circulation:

Access to the site is provided via two existing driveways. The southern driveway provides ingress to the parking lot located in the rear behind the buildings while the northern driveway provides egress. No changes are proposed to the current circulation pattern. Traffic impacts are minimal with the addition to the main building as it is not creating more seating in the sanctuary. The new nursery is only expected to be used during the morning hours between 8:00am to 11:30am. If the additional nursery was at full capacity of 14 students, it would create 28 additional trips. Staff believes that the proposed use would not have a substantial adverse effect on traffic circulation or on the planned capacity of the street system.

General Welfare:

The proposed use is conducted completely indoors and does not involve any qualities of chemical or employ processes that will create excessive noise. The expansion to the church and nursery will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, or impair the utility or value of property of other persons located in the vicinity of the site, or be detrimental to public health, safety or general welfare. The general hours of the church functions are on weekends and weekday during non peak times. The nursery could at the most add 14 more students to the morning classes. Surrounding residential properties and the school to the south will not be adversely impacted by the additions.

Design:

The proposed additions will make the existing church more functional and create more usable space. The additions will be constructed to blend in with the existing buildings and will be required to meet all building code requirements for the improvements. The additions will be required to go to Site and Architectural Review for approval of the design.

RECOMMENDATION

Staff believes that the proposed addition is consistent with the provision of the existing use permit. Staff recommends approval of the proposed conditional use permit amendment and has provided the Commission with the Resolution of approval.

Attachments:

- Letter of Justification/Statement of Proposed Operations
- Resolution of approval
- Vicinity Map
- Plans

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A 1,688 SQ FT ADDITION TO THE EXISTING CHURCH AND A 706 SQ. FT. NURSERY LOCATED AT 17740 PEAK AVENUE IN A R-1,7000 ZONING DISTRICT (APN: 764-18-017)

WHEREAS, such request was considered by the Planning Commission at their regular meeting of June 13, 2006, at which time the Planning Commission approved application UPA-80-07: Peak – St. John the Divine; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The approved use is consistent with the Zoning Ordinance and the General Plan.

SECTION 2. The project is categorically exempt from CEQA under Section 15303 (c), New Construction of Small Structures.

SECTION 3. The approved conditional use has been found consistent with the criteria for use permit approval contained in Section 18.54.050 of the Zoning Code.

SECTION 7. The approved project shall be subject to the following conditions:

- A. Signed Resolutions. Within 30 days of conditional use permit approval, the applicant shall submit two (2) signed copies of Resolution No. to the Planning Division.
- B. Time Limitations. The Conditional Use Permit approval granted under this Resolution shall remain in effect for twelve (12) months from the effective date of this Resolution. Failure to commence the use within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to the expiration date.

Resolution No.

- C. Use Approval. The use shall operate consistent with the applicant's Statement of Proposed Operations, and plans date stamped April 5, 2006, and on file with the Planning Division.
- D. Annual Review. In accordance with Section 18.54.090 of the Municipal Code, the Community Development Department shall conduct an annual review of the approved use for compliance with specified conditions. The Department may initiate corrective action as specified in the aforementioned Code Section as necessary to ensure compliance with said conditions.
- E. Defense and indemnity. Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, injuries, costs and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against City by reason of its approval of applicant's project. In addition, developer shall pay all pre-tender litigation costs incurred on behalf of the City including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals, but shall not be required to pay any litigation from the City. However, developer shall continue to pay reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted.

PASSED AND ADOPTED THIS DAY OF JUNE 13, 2006, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

RALPH LYLE, Chair

Resolution No.

A F F I D A V I T

I _____, applicant, hereby agree to accept and abide by the terms and conditions specified in this resolution.

Applicant

Date: _____



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PLANNING DEPT.

Letter of Justification

APR 03 2006

1. Is the site suitable and adequate for the proposed use?

CITY OF MORGAN HILL

The site is suitable; it's not in an unstable geotechnical area and has a slight slope.

2. Would the proposed use and design have a substantial adverse effect on traffic circulation and on the planned capacity of the street system?

The proposed use and design will not have a substantial adverse effect on traffic. The existing church is not enlarging; hence the congregation will not be increase. There is a proposed nursery which will add a few cars per day to the site.

3. Would the proposed use at the location requested:

- Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or

No additional changes in the use are being requested. The new parish hall will now allow functions that once were outdoors to be held inside.

- Impair the utility or value of property of other persons located in the vicinity of the site; or

No.

- Be detrimental to public health, safety or general welfare?

No.

4. Is the design of the project compatible with the existing and proposed development within the district and its surroundings?

The design of the proposed new building and addition is compatible with the existing church.

5. Will the proposed use allow retail sales of groceries, food, or beverage items upon automobile service station premises?

No.

Statement of Proposed Operations

The proposed use of this site is to for Sunday School Classroom and a ~~PLANNING DEPT~~ existing preschool program.

The preschool facility will be open 5 days a week during the school year, Monday through Friday, the hours will be from 8:00 a.m. to 3:30 p.m. The facility will be open for 10 weeks in the summer, Monday through Friday, 9 a.m. till 12 p.m. The building will be used on Sundays, from 9 a.m. until 12 p.m.

Number of employees will be 4. This will include member of clergy, preschool director, teacher, and aide. At various times lay church volunteers are in the facilities.

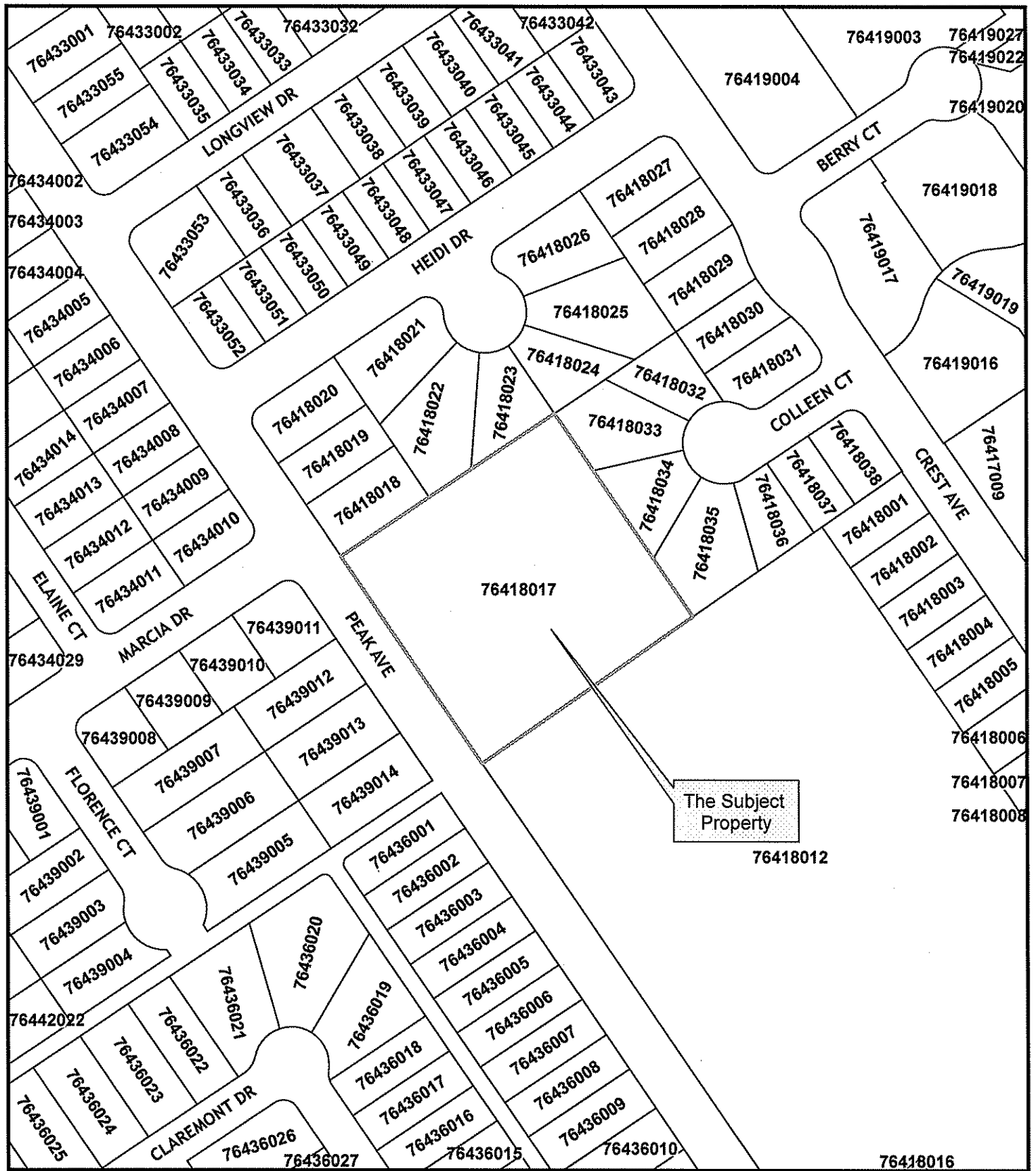
Number of average trips generated daily would vary approximately from 32 in the morning and 32 in the afternoon, Monday through Friday. An average of 28 students would be present Monday through Friday in the morning, and 14 in the afternoon.

The equipment used onsite include standard office equipment, computer, photocopier and fax machine. The kitchen equipment will include electric residential stoves, microwave oven, refrigerator and residential dishwasher. The contract landscape crew use lawn mowers, weed eaters and power blowers.

There is no use of hazardous materials on site. The cleaning solvents et. al. conform to the requirements for child care licensing.

The contract landscape crew may use EPA/ State of CA approved products.

Any other information required concerning the proposed use of this site can be obtained by contacting us.



UPA-80-07: Peak-St. John the Divine

Vicinity Map

